

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – May 21, 2013**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Mayor McDonald read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Resolution #107-2013 Appointing Ann Kilduff as Acting Borough Clerk

**RESOLUTION #107-2013**

**RESOLUTION TO APPOINT ANN KILDUFF AS ACTING BOROUGH CLERK**

**WHEREAS**, the Borough Clerk will not be attending the Council Meeting of the Governing Body of the Borough of Washington scheduled for May 21, 2013.

**WHEREAS**, pursuant to NJSA 40A:9-157 the Governing Body may designate some person to act in the place of such officer during this temporary absence.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Washington Council that Ann Kilduff is hereby designated to act in the place of the Clerk during this temporary absence.

Resolution #107-2013 was moved on a motion made by Higgins, seconded by Jewell and approved.

Roll Call: Gleba, Jewell, Torres, McDonald, Thompson, Conry,  
Higgins  
Ayes: 7, Nays: 0  
Motion Carried

Mayor McDonald led everyone in the flag salute.

Roll Call: Gleba, Jewell, Torres, McDonald, Thompson, Higgins,  
Conry

Also Present: Ann Kilduff, Acting Borough Clerk, Judy Kopen,  
Municipal Attorney, Natasha Turchan, CFO

**WASHINGTON TOWNSHIP POLICE:**

Councilwoman Gleba thanked Chief McDonald for coming and requested that in the future the Borough of Washington is given the courtesy of being informed of any new acquisitions and maintain an open line of communication. Chief McDonald stated that the war wagon is actually called a peace keeper and the Washington Township Police refer to it is a rescue vehicle. This vehicle has zero cost and there were enough donations secured to cover the maintenance of this vehicle for many years. Mayor McDonald added that there is no cost to Washington Borough for the vehicle and there should be no cost for vehicle maintenance in the future due to donations received. Chief McDonald added that this is a very valuable vehicle to have in the entire surrounding community.

**CORRESPONDENCE:**

A motion was made by Higgins, seconded by Jewell to receive and file the correspondence.

Ayes: 7, Nays: 0  
Motion Carried

**Sandi Cerami – BID Annual Report**

Ms. Cerami thanked everyone on Council for their high level of support and participation. Having that partnership enables the BID to accomplish so much more. Ms. Cerami said that the handout provided to Council states the BID's business plan and lists highlights of the past year. The mission of the WBID is to be professionally managed so that our Standards of Excellence are delivered effectively to our customers, exceed their expectations, and provide an experience of enhanced value. The public relations and marketing plan are in place to provide joint advertising opportunities; conduct appropriate market research; support and design special events; support retail promotions, coordinate public relations and provide a customer information center. The BID would like to make Washington Borough become the destination town it should be. Operating during such difficult financial conditions, the BID's budget was analyzed to carefully prioritize the physical improvements which would have the greatest impact on the Borough's redevelopment and revitalization, yet still maintain the highest level of service to the community. Ms. Cerami added that also included in the handout provided is the Annual Audited Financial Report.

**MUNICIPAL AUDIT:**

Tom Ferry – Municipal Auditor

Mr. Ferry stated that on the Current Fund side the Borough has been doing very well and even attained a slight increase on our Moody’s rating. On the Sewer Fund side, the Borough is also doing very well and has been working on paying back the debt that was incurred in the past. Mr. Ferry stated that the Borough is ahead of schedule to pay back the inter-fund loans and all balances are very healthy. Mr. Ferry added that CFO Turchan has a plan in place to pay back the inter fund in a timely manner.

**RESOLUTION # 106-2013**  
**A RESOLUTION OF THE GOVERNING BODY**  
**CERTIFICATION OF THE ANNUAL AUDIT**

**WHEREAS, N.J.S.A. 40A: 5-4** requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS,** the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS, R.S. 52:27BB-34** authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS,** the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

**WHEREAS,** the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS,** such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS,** all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**NOW, THEREFORE BE IT RESOLVED,** That the Mayor and Borough

Council of the Borough of Washington, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution #106-2013 was moved on a motion made by Gleba, seconded by Jewell and approved.

Roll Call: Gleba, Jewell, Torres, McDonald, Thompson, Conry,  
Higgins

Ayes: 7, Nays: 0

Motion Carried

Corrective Action Plan Approval:

A motion was made by Gleba, seconded by Jewell to approve the Corrective Action Plan.

Roll Call: Gleba, Jewell, Torres, McDonald, Thompson, Conry,  
Higgins

Ayes: 7, Nays: 0

Motion Carried

**COUNCIL APPEARANCE:**

Ray Rice – Jade Partners LLC.

Mr. Rice stated that this is a continuation of his previous Council appearance in respect to the municipal parking lot located south of Krauszers. The proposed plan consists of a four story building with the ground floor consisting of 7,200 square feet of retail space along with fifty one apartments. There will be twenty two-bedroom units along with thirty one one-bedroom units. Mr. Rice stated that he would like to proceed with this project, which he believes is a great project for Washington Borough and can be successful. Mr. Rice is asking Council's consideration to move forward with the proposed plan,

Marianne VanDeursen – Chairperson, Planning Board

Councilwoman Gleba asked Mrs. VanDeursen how the Planning Board views the addition of fifty one apartments to the downtown area and if a traffic study has been done. Mrs. VanDeursen replied that the traffic study was part of the discussion when the Planning Board did the redevelopment plan. Mrs. VanDeursen stated that the idea of a cluster type of housing for the downtown area is a model that has been proven throughout the state and throughout the country that supports a vibrant and successful downtown business district. The redevelopment plan does not dump all traffic on to Route 57, it provides outlets to ancillary streets as well as Route 57 which should promote a healthy

flow of traffic. Mrs. VanDeursen added that she is so excited that somebody is going to take this redevelopment plan and make Washington what it can be.

A motion was made by Torres, seconded by Jewell to direct Attorney Kopen to find the methodology that is necessary to make the lot available for purchase which is located in the redevelopment zone.

Roll Call: Gleba, Jewell, Torres, McDonald, Thompson, Conry,  
Higgins

Ayes: 7, Nays: 0

Motion Carried

Bob Cammarota – Assistant Chief, Washington Borough Fire Department

A motion was made by Conry, seconded by Torres, to add Assistant Chief Cammarota to the Council Appearance part of the agenda.

Ayes: 7, Nays: 0

Motion Carried

Mr. Cammarota stated that he appeared in front of Council a few weeks ago to discuss replacing the doors on the side of the municipal building. Mr. Cammarota has returned before Council with four estimates as requested with the lowest bid being \$3720.

Mayor McDonald asked CFO Turchan if the Borough has the money in the budget to replace the doors which have now become a security issue for the building.

A motion was made by Torres, seconded by Conry, to direct CFO Turchan to find available funds to pay for the cost of replacing the municipal building doors.

Roll Call: Gleba, Jewell, Torres, McDonald, Thompson, Conry,  
Higgins

Ayes: 7, Nays: 0

Motion Carried

**AUDIENCE:**

Hearing no comments from the audience a motion was made by Higgins, seconded by Jewell, to close the audience portion of the meeting.

Ayes: 7, Nays: 0

Motion Carried

**ORDINANCES:**

**Ordinance 4-2013 An Ordinance Providing for Funding for Various Capital Purposes for the Borough of Washington and Appropriating \$366,500 for Such Purpose(Introduction)**

Motion made by Higgins seconded by Jewell to introduce Ordinance 4 – 2013 and have the Clerk read by title.

Roll Call: Gleba, Torres, McDonald, Conry, Higgins, Thompson,  
Jewell

Ayes: 7, Nays: 0

Motion Carried

The Clerk read Ordinance 4-2013 An Ordinance Providing for Funding for Various Capital Purposes for the Borough of Washington and Appropriating \$366,500 for Such Purpose.

**ORDINANCE #4-2013**

**AN ORDINANCE PROVIDING FUNDING FOR VARIOUS CAPITAL PURPOSES FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING \$366,500 FOR SUCH PURPOSE. (Introduction)**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** The Borough of Washington, in the County of Warren, New Jersey, authorizes various capital improvements to be undertaken, included but not limited to: recreational improvements, including but not limited to installation of a new fence, loader for the Department of Public Works, various road improvements, including but not limited to milling and paving of Belvidere Avenue, North Prospect Street, Allegar Street and Church Street, air conditioning improvements to Municipal Building Fire Hall, for the Borough of Washington to be funded from the sources specified in Section 2 of the Ordinance.

**Section 2.** The amount of \$366,500 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$366,500.

**Section 3.** In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Washington may lawfully make as a general improvement.

**Section 4.** All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

**Section 5.** This Ordinance shall take effect immediately upon due passage and publication according to law.

A motion was made by Higgins, seconded by Thompson to approve Ordinance 4-2013 on first reading.

Roll Call: Gleba, Torres, McDonald, Conry, Higgins, Thompson,  
Jewell  
Ayes: 7, Nays: 0  
Motion Carried

Public Hearing of Ordinance 4-2013 An Ordinance Providing for Funding for Various Capital Purposes for the Borough of Washington and Appropriating \$366,500 for Such Purpose will be on June 18, 2013 and advertisement of the Public Hearing will be in the Star Gazette on May 30, 2013.

A motion was made by Higgins, seconded by Gleba to approve advertisement of the Public Hearing of Ordinance 4-2013.

Roll Call: Gleba, Torres, McDonald, Conry, Higgins, Thompson,  
Jewell  
Ayes: 7, Nays: 0  
Motion Carried

### **REPORTS:**

A motion was made by Higgins, seconded by Jewell to receive and file the following reports:

1. Manager's Report
2. Recreation Expenditure Report
3. Warren County Board of Health
4. Municipal Court Report

Ayes: 7, Nays: 0  
Motion Carried

**COUNCIL COMMITTEE REPORTS:**

Codebook Review Committee:

Councilman Torres provided Council with handouts to be reviewed and discussed at the next meeting. Councilman Torres stated that most of the changes made were just verbiage changes. Councilman Torres noted that Chapter 42 – Fire Prevention is currently under attorney review.

Streets & Roads Committee:

Councilman Jewell stated that the paving will start on June 17<sup>th</sup> on the following streets: N. Prospect Street, N. Lincoln Avenue, Church Street, Belvidere Avenue, Jackson Street and Alleger Street.

**NEW BUSINESS:**

Washington Borough Fire Department – Approval of New Member Robert Harrington

The motion to approve New Member – Robert Harrington was moved by Gleba, seconded by Torres, and approved.

Roll Call: Gleba, Jewell, Torres, McDonald, Conry, Higgins,  
Thompson

Ayes: 4 Nays: 0

Abstain: (3) Higgins, Jewell, Thompson

Motion carried.

Resolution #103-2013 – Redemption of Tax Certificate

**RESOLUTION #103-2013**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**

**As per N.J.S.A.54:5**

**KNOW ALL MEN BY THESE PRESENTS, THAT, WHEREAS,** lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 25, 2012 to John LaFlamme, in the amount of \$182.23 for taxes or other municipal liens assessed for the year 2011 in the name of Kelley, Eric & Elkholy, Amanda, as supposed owners, and in said assessment and sale were described as 15 South Pickel Avenue, Block 45 Lot 10, which sale was evidenced by Certificate #12-00035; and

**WHEREAS,** the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-8-13 and before the right to redeem was cut off, as provided by law, Millington Savings Bank, claiming to have an interest in said lands, did redeem said lands claimed by John LaFlamme, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,078.80, which is the amount necessary to redeem Tax Sale Certificate #12-00035.

**NOW THEREFORE BE IT RESOLVED,** on this 21st day of May, 2013 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to John LaFlamme, 9 Lisa Ct, Oxford, NJ 07863 in the amount of **\$1,078.80**.

**BE IT FURTHER RESOLVED,** that the Tax Collector is authorized to cancel this lien on Block 45 Lot 10 from the tax office records.

Resolution #104-2013 – Redemption of Tax Certificate

**RESOLUTION #104-2013**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**

**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS, THAT, WHEREAS,** lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 25, 2012 to US Bank Cust, ATR-NJ & CAPONE, 50 South 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102-2513, in the amount of \$692.86 for taxes or other municipal liens assessed for the year 2011 in the name of Guevara, Ruperto & Sharon, as supposed owners, and in said assessment and sale were described as 27 Presidential Drive, Block 72 Lot 7, which sale was evidenced by Certificate #12-00044; and

**WHEREAS,** the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-09-13 and before the right to redeem was cut off, as

provided by law, Midland Mortgage, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust ATR-NJ & CAPONE by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,497.10, which is the amount necessary to redeem Tax Sale Certificate #12-00044.

**NOW THEREFORE BE IT RESOLVED**, on this 21st day of May, 2013 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust ATR-NJ & CAPONE, 50 South 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102-2513 in the amount of **\$1,497.10**

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 72 Lot 7 from the tax office records.

Resolutions #103-2013 and #104-2013 were moved on a motion made by Higgins, seconded by Jewell and approved.

Roll Call: Gleba, Jewell, Torres, McDonald, Thompson, Conry,  
Higgins  
Ayes: 7, Nays: 0  
Motion Carried

Resolution #105-2013 – Risk Management Consultant (firm name change from D&H to Skylands)

**RESOLUTION #105-2013 APPOINTING RISK MANAGEMENT CONSULTANT**

**WHEREAS**, Washington Borough (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

**WHEREAS**, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

**WHEREAS**, the “Fund” has requested its members to appoint individuals or entities to that position; and

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of “Local Unit”, in the County of Warren and State of New Jersey, as follows:

1. Washington Borough hereby appoints Skylands Risk Management, Inc. its local Risk Management Consultant.
2. The Borough Manager (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2013 in the form attached hereto.

Resolution #105-2013 was moved on a motion made by Jewell, seconded by Higgins and approved.

Roll Call: Gleba, Jewell, Torres, McDonald, Thompson, Conry,  
Higgins  
Ayes: 7, Nays: 0  
Motion Carried

**VOUCHERS:**

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$585,758.75

Council Discussion:

Councilwoman Gleba stated that there are Comcast charges on page seven under Library that should be taken out of the grant trust account. Councilman Torres noted that he would like to see the amount of accounts that are titled “Miscellaneous” be reduced. Councilwoman Gleba stated she preferred the old voucher reports where it was easier to identify the Recreation Trust accounts since they all started with “T”.

Motion made by Higgins, seconded by Conry and approved.

Roll Call: Gleba, Jewell, Torres, McDonald, Conry, Thompson,  
Higgins  
Ayes: 7, Nays: 0  
Abstain: Thompson – Fire Dept. & EMS  
Jewell – Fire Dept. & EMS  
Higgins - Fire

**MEETING RE-CAP:**

Acting Borough Clerk Kilduff stated that CFO Turchan will work on finding the funds needed to cover the cost of replacing the Municipal Building Doors on the side of the building.

**COUNCIL REMARKS:**

Councilwoman Gleba thanked the volunteers who came out during the Recreation Department's Volunteer Days and helped to improve the community.

Councilman Thompson wished everyone a happy and safe Memorial Day.

Councilman Jewell also wished everyone a happy Memorial Day and reminded everyone to put their flags out to honor the veterans.

Councilman Higgins asked if Council received the financial statements and when do they need to be in by. CFO Turchan replied that they need to be in by May 31<sup>st</sup>. Councilman Higgins also thanked Ann Kilduff for filling in for Manager/Borough Clerk Blanchard. He also thanked CFO Turchan and Manager Blanchard for the job they are doing.

**EXECUTIVE SESSION:**

Resolution #108-2013 Executive Session Authorization

A motion was made by Gleba, seconded by Conry, to go into Executive Session after a ten minute break.

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION # 108-2013**  
**RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive

session closed to the public as permitted by the *N.J.S.A.* 40:4-12; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A.* 40:4-12:

\_\_\_\_\_A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: \_\_\_\_\_);

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: \_\_\_\_\_ personnel \_\_\_\_\_. The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this

information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

\_\_\_\_\_Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Jewell, seconded by Torres, to go out of Executive Session.

Ayes: 7, Nays: 0  
Motion Carried

A motion was made by Higgins, seconded by Torres, authorizing Attorney Kopen to research provisions of the personnel policy as discussed in Executive Session. The recommendations will be discussed at a future meeting.

Ayes: 7, Nays: 0  
Motion Carried

Hearing no further business, a motion made by Higgins, seconded by Jewell to adjourn the meeting at 8:37p.m.

\_\_\_\_\_  
Mayor Scott McDonald

\_\_\_\_\_  
Kristine Blanchard, RMC Borough Clerk